

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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2004 JAN 26 P 4:43

BROOKE K. WHITMAN, Individually and as
Mother and Next Friend of SAMANTHA KATE
WHITMAN, a minor, and JOEL WHITMAN,
Individually,

Plaintiffs,

v.

AUTOMATIC DATA PROCESSING, INC.,
CHANNEL ONE COMMUNICATIONS
CORPORATION, d/b/a CHANNEL ONE
NETWORK, and PRIMEDIA, INC.,

Defendants.

Civil Action No. 03-CV-12543RGS

**DEFENDANTS PRIMEDIA, INC. AND CHANNEL ONE
COMMUNICATIONS CORPORATION'S MOTION TO DISMISS**

Defendants Primedia, Inc. and Channel One Communications Corporation move pursuant to Fed. R. Civ. P. 12(b)(6) that the Court dismiss the plaintiffs' First Amended Complaint for failure to state a claim upon which relief may be granted.

As set forth more fully in the accompanying memorandum of law, the plaintiffs cannot recover under any count against Primedia or Channel One as a matter of law because:

- (1) the plaintiffs allege only that Primedia is Channel One's parent corporation and fail to assert any basis for piercing the corporate veil; and
- (2) the plaintiffs fail to allege that Primedia or Channel One took any action or made any omission that harmed the plaintiffs.

WHEREFORE, defendants Primedia, Inc. and Channel One Communications Corporation request that the Court dismiss all counts of the plaintiffs' First Amended Complaint.

Respectfully submitted,

PRIMEDIA, INC. and CHANNEL ONE
COMMUNICATIONS CORPORATION

By their Attorneys,

Kristin Sostowski

Michael Kendall (BBO #544866)

Kristin D. Sostowski (BBO #652770)

McDermott, Will & Emery

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Dated: January 26, 2004

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the above
document was served upon the attorney of record
for each other party ~~by mail~~ (by hand) on 1/26/04

Kristin Sostowski

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2004 JAN 26

U.S. DISTRICT COURT
DISTRICT OF MASS

MCDERMOTT, WILL & EMERY

January 26, 2004

BY HAND DELIVERY

Mr. Tony Anastas, Clerk
United States District Court
for the District of Massachusetts
One Courthouse Way, Suite 2300
Boston, MA 02210

Re: Brooke K. Whitman, et al. v. Automatic Data Processing, Inc., et al.
Civil Action No. 03-CV-12543RGS

Dear Mr. Anastas:

Enclosed for filing please find the following documents:

1. Defendants Primedia, Inc. and Channel One Communications Corporation's Motion to Dismiss; and
2. Defendants Primedia, Inc. and Channel One Communications Corporation's Memorandum of Law in Support of Their Motion to Dismiss.

Kindly date stamp and return copies of these documents with the messenger who has been instructed to wait. Thank you for your time.

Very truly yours,

Kristin Sostowski

Kristin D. Sostowski

Enclosures

cc: Michael D. Kendall, Esq.
Norman J. Fine, Esq. (by hand)
Robert C. Anderson, Esq. (by overnight mail)
Robert D. Hillman, Esq. (by hand)